REMARKS

Claims 1-13 are in this application and are presented for consideration. By this Amendment, Applicant has amended claims 1-4, 9, 12 and 13.

The drawings have been objected to under 37 CFR 1.83(a) because the Office Action states that the drawings do not show the "dispatch station" of claims 1 and 12, the "article commissioning device dispatch station" of claim 3 and "the second container" of claim 3.

Applicant respectfully traverses the objection. Applicant has amended the claims to delete the term "dispatch station" and replace it with the term "discharge station". The discharge station is shown in the drawings as indicated by reference numeral 9. Similarly, the article commissioning device dispatch station of claim 3 has been amended to refer to the article commissioning device discharge station represented by reference numeral 9 shown in the drawings. It is Applicant's position that the "second container" of claim 3 is shown in the drawings as reference numeral 10 refers to a plurality of containers. Accordingly, Applicant respectfully requests that the Examiner remove the objection regarding the drawings.

Applicant has attached a replacement sheet of drawings of Figure 1. Figure 1 has been amended to add reference numeral 20, which refers to the central belt commissioning device. Applicant respectfully requests that the Examiner enter the replacement sheet of drawings of Figure 1 as presented.

The specification has been objected to as failing to provide proper antecedent basis for the central belt commissioning device.

Applicant has amended the specification as shown above to correspond with the changes made in the attached replacement sheet of drawings of Figure 1. Specifically the central belt commissioning device has been indicated as reference numeral 20 in the specification and in Figure 1 as now presented.

Claims 1-11 and 13 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Applicant has amended the claims paying close attention to the Examiner's remarks. With respect to claim 1, the phrase "associated with" has the distinct meaning that one conveying track is related with one shelving unit for receiving articles from that particular shelving unit. The phrase "associated with" also has the distinct meaning that the central belt is related to or a part of the central belt commissioning device. It is Applicant's position that the claims as now presented are clear and satisfy the requirements of the statute. However, the Examiner is invited to call one of Applicant's representatives at the number listed below should the Examiner require further clarification or if the same meaning can be presented with alternate language.

Claims 1 and 12 have been rejected under 35 U.S.C. 102(b) as being anticipated by Yuyama et al. (US 5,832,693).

The present invention relates to a method and a device for commissioning articles. In the present invention, a plurality of first articles and a plurality of second articles are provided. Each first article has a transportation property that allows it to be transported on the central belt

of the central belt commissioning device. Each second article has a transportation property that prevents it from being transported along the central belt, i.e. the second article is too heavy, too large or too fragile to be transported along the central belt. The first articles, i.e. the articles which are not too large or too heavy or fragile, are placed on the central belt and are transferred along the belt. In the present invention, containers are arranged on the conveying track and the second articles are placed in the containers. The containers filled with second articles are transferred either to the dispatch station or to the central belt. When the second articles are transferred to the central belt, the first articles on the central belt are transferred into the containers that are filled with the second articles to provide a mixture of first articles and second articles. If the containers with the second articles are transported directly to the dispatch station, the first articles are transferred into their own container located at the end of the central belt. This advantageously allows for one container to be used to commission the two different types of articles. This results in a higher commission output since the handling of multiple containers is eliminated. The prior art as a whole fails to provide such features or advantages.

Yuyama et al. discloses an apparatus for collecting ampules. Trays T are raised one by one to a predetermined height by an elevator means 20. The elevator means 20 has a short conveyor 21. The trays T are then fed horizontally by a horizontal conveyor means 30 and then fed by a downward conveyor means 20' along feeders 60 arranged in vertical rows. The trays T are then fed to a predetermined position by a carrier unit 40 and stacked one on top of another by a tray stacker 50 at the delivery end of the carrier unit 40. Along the tray feed path of the carrier unit 40 is provided a printer 70 for preparing lists on necessary drugs based on

prescriptions and putting them in respective trays T being fed on the conveyor. Ampules that cannot be prepared by the conveyor line are obtained from ampule keeping boxes B set in a pharmacy shelf 80.

Yuyama et al. fails to teach and fails to suggest the combination of one conveying track located on one side of a central belt and associated with one shelving unit and another conveying track located on another side of the central belt and associated with another shelving unit as recited in claim 1. In the present invention, one conveying track receives fragile or large articles from one shelving unit and another conveying track receives fragile or large articles from another shelving unit. Compared with the present invention, Yuyama et al. only discloses a horizontal conveyor means 30 and a carrier unit 40 that are not associated with any shelving unit. The horizontal conveyor means 30 of Yuyama et al. merely is associated with an elevator means 20 that delivers trays thereto. The horizontal conveyor means 30 of Yuyama et al. fails to be associated with any form of shelving unit as claimed. The carrier unit 40 of Yuyama et al. is only associated with a downward conveyor means 20' for receiving trays and a short conveyor belt 51 so that the trays are transferred from the conveyor means 20' to the short conveyor belt 51. In fact, the carrier unit 40 and the horizontal conveyor means 30 of Yuyama et al. are not on opposite sides of the central belt as claimed. Figure 1 of Yuyama et al. clearly shows that the carrier unit 40 and the horizontal conveyor means 30 are on the right side of the short conveyor 21. In contrast to Yuyama et al., the conveyor tracks of the present invention are each located on opposite sides of the central belt so that articles can be transferred directly from the shelving units by the conveyor tracks. Yuyama et al. does not teach such features as

the horizontal conveyor means 30 and the carrier unit 40 are located on the same side, i.e. the right side, of the short conveyor 21.

Yuyama et al. also fails to provide any suggestion for the combination of a central belt positioned within a bay aisle defined by a double shelf including two parallel shelves arranged at spaced locations from each other as provided in claim 1. As clearly shown in Figure 1 of Yuyama et al., the short conveyor 21 is not provided between any shelving units as claimed. In contrast to Yuyama et al., the central belt is provided within a bay aisle of a double shelf. According to the present invention, articles that are too large to be transported on the central belt are placed onto containers located on conveyor tracks from at least one of the shelving units. The large articles can then be transported directly to a discharge station or to the central belt so that articles transferred from the central can be combined with the large articles taken from the shelving units. This advantageously results in a higher commission output since the handling of multiple containers is eliminated as a result of one container being used to commission the two different types of articles. Yuyama et al. does not disclose such efficiency commissioning advantages since the short conveyor 21 of Yuyama et al. is not located between shelving units as claimed. As such the prior art as a whole does not teach each feature of the claimed combination. Accordingly, Applicant respectfully requests that the Examiner favorably consider claim 1 as now presented.

Further, Yuyama et al. fails to teach or suggest the combination of a commissioning path to the right and left of a central belt that extends parallel to the central belt at a spaced location therefrom as recited in claim 12. As clearly shown in Figure 1 of Yuyama et al., the carrier unit

40 does not extend parallel to the short conveyor 21. In fact, the horizontal conveyor means 30 and the carrier unit 40 are both located on the right side of the short conveyor 21 and are not located on the left side and the right side of the short conveyor 21 as claimed. In contrast to Yuyama et al., the commissioning path of the present invention extends at a spaced location from the central belt and parallel to the central belt on both sides of the central belt. Compared with the present invention, Yuyama et al. merely suggest to one of ordinary skill in the art a carrier unit 40 and a horizontal conveyor 30 that are on the same side of the short conveyor 21. As such, the prior art as a whole takes a different approach and fails to provide any teaching for the combination of a commissioning path that extends parallel on both sides of a central belt and at a spaced location from the central belt. Accordingly, Applicant respectfully requests that the Examiner favorably consider claim 12 as now presented.

Claim 2 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Yuyama et al. in view of Wunscher (US 5,943,841 A). Although Wunscher teaches a commissioning system having at least one central belt and a conveying installation, the references as a whole fail to suggest the combination of features claimed. Specifically, Yuyama et al. fails to teach the combination of conveying tracks associated with shelving units that are located on each side of a central belt. The references do not suggest the invention and therefore all claims define over the prior art as a whole.

Claims 3, 4, 7-9 and 13 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Yuyama et al.

Yuyama et al. fails to teach and fails to suggest the combination of one conveying track

located on one side of a central belt and associated with one shelving unit and another conveying track on another side of the central belt and associated with another shelving unit as recited in claim 3. In the present invention, one conveying track receives fragile or large articles from one shelving unit and another conveying track receives fragile or large articles from another shelving unit. Compared with the present invention, Yuyama et al. only discloses feeders 60 and pharmacy shelf 80 that are both located above conveyor 41. In fact, the feeders 60 and pharmacy shelf 80 of Yuyama et al. are not associated with the short conveyor 21 or the tray stacker 50 as claimed. The short conveyor 21 of Yuyama et al. is merely associated with an the horizontal conveyor means 30 for delivering trays thereto. The short conveyor 21 of Yuyama et al. fails to be associated with any form of shelving unit as claimed. The tray stacker 50 of Yuyama et al. is only associated with a short conveyor belt 51 so that the trays are transferred from the conveyor means 20' to the short conveyor belt 51. However, the tray stacker 50 of Yuyama et al. is not associated with any shelving unit to receive articles as claimed.

Yuyama et al. also fails to provide any suggestion for the combination of a central belt positioned within a bay aisle defined by a double shelf including two parallel shelves arranged at spaced locations from each other as provided in claim 3. As clearly shown in Figure 1 of Yuyama et al., the conveyor 41 does not extend between any shelving units as claimed. In contrast to Yuyama et al., the central belt is provided within a bay aisle of a double shelf. According to the present invention, articles that are too large to be transported on the central belt are placed onto containers located on conveyor tracks from at least one of the shelving

units. The large articles can then be transported directly to a discharge station or to the central belt so that articles transferred from the central can be combined with the large articles taken from the shelving units. This advantageously results in a higher commission output since the handling of multiple containers is eliminated as a result of one container being used to commission the two different types of articles. Yuyama et al. does not disclose such efficiency commissioning advantages since the short conveyor 21 of Yuyama et al. is not located between shelving units and does not extend parallel to the shelving units as claimed. As such the prior art as a whole does not teach each feature of the claimed combination. Accordingly, Applicant respectfully requests that the Examiner favorably consider claim 3 as now presented and all claims that depend thereon.

Claims 5, 6, 10 and 11 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Yuyama et al. in view of Lindqvist (US 5,271,703 A). Although Lindqvist teaches an automatic order selection system capable of responding to simultaneous order requests, the references as a whole fail to suggest the combination of features claimed. Specifically, Yuyama et al. fails to teach the combination of a central belt located within a bay aisle defined by two shelving units such that the central belt extends parallel to the shelving units. The references do not suggest the invention and therefore all claims define over the prior art as a whole.

Favorable action on the merits is requested.

Respectfully submitted
For Applicant,

By: _____
John James McGlew
Reg. No. 31,903
McGLEW AND TUTTLE, P.C.

- and -

By: _____
Brian M. Duncan
Reg. No. 58,505
McGLEW AND TUTTLE, P.C.

JJM:BMD
71595-8
Attached: (1) Sheet of Replacement Drawings

DATED: November 9, 2007
BOX 9227 SCARBOROUGH STATION
SCARBOROUGH, NEW YORK 10510-9227
(914) 941-5600

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 13-0410.